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REMARKS

The above amendments and these remarks are responsive to the final Office Action issued on April 5, 2006. By this response, claims 1, 4, 8 and 9 are amended, and claim 10 was previously cancelled. No new matter is added. Claims 1-9 and 11 are now active for examination.

The Office Action

The Office Action rejected claims 1-9 and 11 under 35 U.S.C. §103(a) as being unpatentable over Hale et al. (U.S. Patent No. 6,785,539). It is respectfully submitted that the claim rejection is overcome in view of the amendments and/or remarks presented herein.

The Obviousness Rejections of Claims is Overcome

Claim 1-9 and 11 were rejected as being unpatentable over Hale. By this Response, claims 1, 4, 8 and 9 are amended. It is respectfully submitted that the obvious rejection is overcome because Hale cannot support a prima facie case of obviousness.

Claim 1, as amended, describes a program for execution by a mobile terminal device.

~~The mobile terminal device includes a first communicator, a second communicator and a button.~~

The first communicator is configured to transmit and receive a wireless communication signal to and from a network base station. The second communicator is configured to receive contents and does not transmit the wireless communication station. When the button is activated, the program is received by the first communicator in exchange for a wireless communication signal being unable to be transmitted from the mobile terminal device. Appropriate support for the amendment can be found in, for instance, page 4, ln. 16 through page 5, ln. 21, and page 12, lns 8-13 of the written description.

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According to an embodiment described in the written disclosure, the mobile terminal device includes more than one communicator. When a user with the mobile terminal device enters a specific location, such as a museum or performance hall, the telephone communication from the mobile terminal device is disabled from transmitting or receiving a wireless communication signal to/from a network base station, in exchange for receipt of a program or content signals, such as specialized programs, new services or contents, from a server. In other words, the terminal device now can only receive contents from the server, but cannot transmit signals to the base station of a communication network. Therefore, no disturbing phone rings would come up from the terminal device.

However, Hale does not describe all the claimed features. According to Hale, a portable device is provided to receive content information via a docking system from a wireless network. In other words, the connection with the wireless network is performed by the docking system, not the portable device itself. Furthermore, Hale does not specifically describe that the portable device is prohibited from transmitting a wireless communication signal to a base station of a wireless network, in response to a push of a button. Additionally, Hale is silent on the receipt of contents/program in exchange for the prohibition to transmit the wireless communication signal to a base station of a wireless communication network. In fact, Hale does not describe prohibition of transmission at all. Since Hale fails to disclose every limitation of claim 1, Hale cannot support a prima facie case of obviousness. The obviousness rejection is untenable and should be withdrawn. Favorable reconsideration of claim 1 is respectfully requested.

Independent claims 2 and 11 include descriptions related to prohibiting a mobile terminal device from transmitting a wireless communication signal to a base station of a wireless network in exchange for the prohibition to transmit the wireless communication signal

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to a base station of a wireless communication network, in response to a push of a button. As discussed earlier relative to claim 1, Hale does not include these features. Accordingly, claims 2 and 11 are patentable over Hale for at least the same reasons as for claim 1, as well as based on their own merits. Favorable reconsideration of claims 2 and 11 is respectfully requested.

Claims 3-9 depend on claims 1 and 2, respectively, and incorporate every limitation thereof. Consequently, claims 3-9 are patentable over the documents of record by virtue of their dependencies. Favorable reconsideration of claims 3-9 is respectfully requested.

Translation of Foreign Office Action

A courtesy copy of an English translation of an office action issued in a related Chinese patent application No. 2004100462967 is attached for the Examiner's review convenience. The Chinese office action cited JP2001223786A, which was previously submitted via an information disclosure statement on August 14, 2006.

Conclusion


For the reasons given above, Applicants believe that this application is conditioned for allowance and request that the Examiner give the application favorable consideration and permit it to issue as a patent. However, if the Examiner believes that the application can be put in even better condition for allowance, the Examiner is invited to contact Applicants' representatives listed below.

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To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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State Intellectual Property Office of the People's Republic of China

Notification text of opinions for the first examination

Application Number: 2004100462967

The application relates to a mobile terminal device, an application program for the mobile terminal device and a signal processing system in which the program is used. After examination, the opinions are presented as follows:

Claim 1 requests to protect a content sending method, however, relevant document 1 (JP 2001223786 A) has revealed a terminal device having wireless function, and disclosed the following contents in detail (Refer to the Abstract, paragraph 9 on page 1 to paragraph 20 on page2 of the Description and Fig. 1): a transmitter 40 sends a command to the mobile terminal device so as to prohibit communication of RF15 which performs mobile communication, and at the same time, it also sends time information to the mobile terminal device; a receiving and decoding circuit 22 of the mobile terminal device extracts the information sent by the transmitter 40; and a control circuit 23 controls a switching part 30 to switch the internal power supply 17 to the OFF state, so that the mobile terminal device can not sends a wireless communication signal to the external. By comparing the technical solution that Claim 1 requests to protect with the contents disclosed in the relevant document, only a little difference in written expressions is found between them, technical solutions of them are the same in essence, both of them belong to the same technical filed and produce the same technical effects. Therefore, the technical solution that Claim 1 requests to protect does not possess the novelty provided in Article 22, paragraph two of the Patent Law.

Claim 2 requests to protect a signal processing system for a wireless communication signal, however, relevant document 1 (JP 2001223786 A) has revealed a terminal device having a wireless function, and disclosed the following content in detail (Refer to the Abstract, paragraph 9 on page 1 to paragraph 20 on page2 of the Description and Fig. 1): the mobile terminal device 1 receives the information sent by the transmitter 40, but the mobile terminal device does not receive the communication signal which is sent from a base station. It can be seen from this that the distinction between Claim 2 and the relevant document 1 is only in that said system of Claim 2 is not a transmitter but a server, and the problem that the distinction aims to solve is to send the content information by a server. However, for a person skilled in the art of this technical field, it is very easy to expect that the transmitter can be replaced by any device which is enabled to communicate with a communication terminal device, and a server is one of those devices, thus, it is obvious for a person skilled in the art of this technical field to replace the transmitter with a

server, and it does not produce any effect beyond expectation. Therefore, the technical solution which Claim 2 requests to protect does not have prominent substantive features and a notable progress, and so it does not possess the inventiveness provided in Article 22, paragraph three of the Patent Law.

The additional technical feature of Claim 3 is to define that the mobile communication terminal device of said system has a decision button, and the decision, i.e. whether to receive the service content sent by the server and prohibit the mobile terminal device from sending a signal for wireless communication to the network base station, is made by pressing the decision button. However, in order to allow users to select the status of the mobile terminal device more freely, a person skilled in the art of this technical field can easily expect that a decision button can be used for deciding whether to receive the service content sent from the server and prohibit the mobile terminal device from sending a signal to the base station. Therefore, Claim 3 does not possess the inventiveness provided in Article 22, paragraph three of the Patent Law.

Claims 4, 5 and 6 are further definitions for Claim 2 or 3, however, relevant document 1 has disclosed the following contents. (Refer to the Abstract, paragraph 9 on page 1 to paragraph 20 on page 2 of the Description and Fig. 1): in a place where the use of mobile terminal device is limited, communication between the mobile terminal device and the base station is prohibited by sending information from the transmitter 40. It can be seen from this that all the additional technical features of Claims 4, 5, and 6 have been disclosed in relevant document 1. Therefore, Claims 4, 5 and 6 do not possess the inventiveness provided in Article 22, paragraph three of the Patent Law. As to the statement such as "so as to improve the image of an enterprise administering the system", "so as to strictly observe rules" and so on, it does not bring about any effect on the protection scope of said claims.

Claim 7 is a further definition for Claim 1, in order to allow users to see the name of content provider, a person skilled in the art of this technical field can easily expect that the name of the content provider can be displayed on a display screen of the mobile terminal device. Therefore, Claim 7 does not possess the inventiveness provided in Article 22, paragraph three of the Patent Law.

Claim 8 is a further definition for Claim 1, the additional technical feature is to define that the mobile communication terminal device of said system has a decision button, and the decision, i.e. whether to receive the service content sent by the server and prohibit the mobile terminal device from sending a signal for wireless communication to the network base station, is made by pressing the decision button. However, in order to allow users to select the status of his or her mobile terminal device more freely, a person skilled in the art

of this technical field can easily expect that a decision button can be used for deciding whether to receive the service content sent from the server and prohibit the mobile terminal device from sending a signal to the base station. Therefore, Claim 8 does not possess the inventiveness provided in Article 22, paragraph three of the Patent Law.

Claim 9 requests to protect a mobile communication terminal device, however, relevant document 1 has revealed a mobile communication terminal device, and disclosed the following contents in detail (Refer to the Abstract, paragraph 9 on page 1 to paragraph 20 on page 2 of the Description and Fig. 1): said communication terminal device comprises a RF circuit 15 (corresponding to a network communication part) for communicating with a network base station; a power generating part (corresponding to a short-distance communication part) for receiving the content which is sent by the transmitter 40 and used for preventing the communication of RF circuit 15, and the power generating part also can be used for saving the contents received from transmitter 40, so that enable the mobile terminal device comprising the RF circuit 15 can stop the communication during the period when the content for preventing the communication of RF circuit is received from the transmitter 40. The distinction of Claim 9 from the relevant document 1 is: comprising a broadcast receiving part for receiving the contents from a broadcasting base station, the technical problem that the distinction aims to solve is to receive the service contents sent to the mobile unit from another transmitter through another communication unit instead of receiving the service contents sent from a short-distance communication part; and saving the received contents in a memory and communicating by controlling two communication units. However, a person skilled in the art of this technical field can easily expect that the same object can be achieved by communicating through controlling three communication units, therefore, the technical solution which Claim 9 requests to protect does not have prominent substantive features and represent a notable progress, and so it does not possess the inventiveness provided in Article 22, paragraph three of the Patent Law.

Based on the abovementioned reasons, all of the independent claims and dependent claims of this application do not possess novelty and inventiveness, and no other substantial contents that may be granted a patent right are provided in the Description, therefore, even the applicant recomposes the claims and / or makes further definition in accordance with the contents disclosed in the Description, the application still has no prospect to be granted a patent right. If the applicant fails to presents sufficient reasons to indicate the application possess novelty and inventiveness within the time limit specified in this notification, this application will be rejected.

Examiner: Wang Ran

Code: 3420